

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

IN RE ORRIN S. ANDERSON,

Debtor,

ORRIN S. ANDERSON, A/K/A ORRIN ANDERSON,  
A/K/A ORRIN SCOTT ANDERSON,

Debtor and Plaintiff  
on behalf of himself  
and all others similarly  
situated,

v.

CAPITAL ONE BANK (USA), N.A.

Defendant.

Chapter 7  
Case No. 14-22147 (RDD)

Adv. Proc. No.  
15-08342 (RDD)

**DECLARATION OF ADAM R. SHAW  
IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL**

I, Adam R. Shaw, declare as follows:

1. I am partner in the law firm Boies Schiller Flexner LLP, counsel for Plaintiff Orrin S. Anderson in the above-captioned matter. I submit this Declaration based on my personal knowledge and in support of Plaintiff's Motion for Preliminary Approval.

2. Attached as Exhibit A is a true and correct copy of the proposed settlement agreement with exhibits thereto.

3. I was one of the principal negotiators of the proposed settlement agreement with Defendant. Both Plaintiff and Defendant Capital One Bank (USA), N.A. ("Capital One") in this

action are represented by informed and experienced counsel and these counsel conducted settlement negotiations at arm's length.

4. Class Counsel engaged in the necessary research and discovery prior to reaching a proposed settlement with Capital One, including:

- a. Conducting a thorough pre-suit investigation, including conducting research and analysis regarding the credit reporting industry, credit reporting practices and Capital One, as well as the relevant law;
- b. Researching, compiling evidence for and filing the Complaint and Amended Complaint;
- c. Successfully defending against Capital One's motions to dismiss the Amended Complaint and to transfer the case, which were premised on numerous legal grounds;
- d. Serving multiple discovery requests and conducting meet and confers with Capital One regarding these requests (including document requests, interrogatories, and Fed. R. Civ. P. 30(b)(6) depositions);
- e. Analyzing just under 300,000 pages of documents produced by Capital One in response to Plaintiff's document requests;
- f. Deposing two Rule 30(b)(6) representatives of Capital One;
- g. Issuing third party subpoenas; and
- h. Consulting with the United States Trustee with respect to the merits of the proceeding.

5. The terms of the proposed settlement were negotiated over a period of months through extensive in-person meetings, teleconference discussions, and email exchanges.

6. In October 2018, the parties conducted a mediation session before Jonathan J. Lerner of Pilgrim Mediation Group, an experienced and highly regarded mediator. Prior to the mediation, the parties submitted detailed mediation statements. Subsequent to mediation, the parties ultimately reached settlement.

7. Based on its records, Capital One estimates that there are over eight hundred thousand Class Members.

8. I, along with my fellow Class Counsel, believe that the proposed Settlement Agreement with Capital One is in the best interest of the Class and should be preliminarily approved by the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Date: April 8, 2019

By: /s/ Adam R. Shaw  
Adam R. Shaw